IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8025 OF 2004

Deemakhabai Narayan Kadlag, .. Petitioner.

Vs

1. The Addl.Commissioner,

Nashik Division and ors. .. Respondents

Shri S.A.Sawant, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 11th October, 2004.

PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the order of remand dated 16.12.2003 passed by the Addl.Commissioner, Nashik Division, Nashik, by which he has directed the Sub Divisional Officer to reconsider the questioned mutation entries in the light of the observations made in the judgment and decide whether to maintain or alter or delete them. It appears that the civil proceedings are pending between the parties in appeal. Keeping that in view and the reasons recorded by the authority below, I see no reason to interfere with the order impugned in the instant writ petition filed under Article 227 of the Constitution. The writ petition, therefore, fails and

is dismissed as such.

3. It is open for the petitioner to make an application seeking appropriate interim relief in the appeal pending before the Sub Divisional Officer. If such application is filed, the S.D.O. shall decide the same as expeditiously as possible and preferably within a period of four weeks from the date of filing of such application. It is also open for the petitioner to file an application in the civil appeal filed against the judgment and order dated 17.9.1999 in Regular Civil Suit No.280 of 1981. If such application is filed, the Appellate Court shall decide it on merits in accordance with law.

. The Sub-Divisional Officer shall decide the main proceedings expeditiously.

4. The writ petition is disposed of.

(D.B.BHOSALE, J.)